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October 2, 2002

Ellen G. Engleman
Administrator
Research and Special Programs Administration
U.S. Department of Transportation
400 7th Street, SW.
Washington, DC 20590-0001

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DEPT OF TRANSPORTATION

RE: Petition for Change to Title 49 sec. 107.307(a)(1)

Dear Ms. Engleman,

We are pleased to submit the following petition for rulemaking. We have prepared this petition as required in Title 49 sec 106.31. Please contact me at the above address if any additional information is needed to consider this petition for processing.

PETITION TO REVISE TITLE 49 SEC 173.307 (a)(1)

I. Summary of Proposed Action and Purpose

A. Proposed Action - Modify 173.307(a)(1) from "Carbonated Beverages" to "Non-flammable, non-toxic, non-hazardous liquid consumer commodity packages pressurized with a non-flammable gas to a maximum pressure of 150 psi at 130 degrees F."

B. Purpose

1. Allow commercial development of new product technology in the personal care liquid area. This modification would allow commercial development of personal care products such as foaming soaps, lotions, conditioners, sunscreens, or other products at an acceptable manufacturing and distribution cost.
2. Preclude excessive applications for exemptions to current standards.

II. State the Text of the Proposed Rule - Modify 173.307(a)(1) from "Carbonated Beverages" to "Non-flammable, non toxic, non-hazardous liquid consumer commodity packages pressurized with a non-flammable gas to a maximum pressure of 120 psi at 130 degrees F."

III. Explain Petitioners Interest in the Proposed Action and the Interest of Any Party the Petitioner Represents

A. Petitioner is a manufacturer of dispensing systems for pressurized and non-pressurized consumer commodity packages, including soaps, lotions, shampoos, hair conditioners and sunscreens.

B. Recent commercial developments in the area of foaming consumer products have revealed a significant commercial opportunity for these types of products. Current regulations require pressurized consumer commodities other than beverages, even when representing equivalent hazard levels, to be shipped in metal cans. These cans represent a non-value added cost at an un-acceptable level, as evidenced by the widespread conversion of beverage packaging from metal cans to PET containers.

C. Petitioner desires to modify the existing regulations to remove the restrictions requiring metal cans, thereby removing the un-acceptable cost and promoting additional commercial trade in pressurized dispensing systems.

IV. Supporting Information

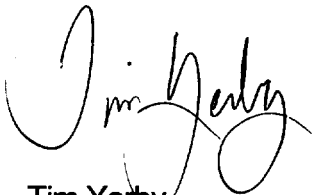
A. Background information

1. Current commercial consumer personal care commodities are typically packaged in plastic non-pressurized containers ranging in size from 6 oz. to 20 oz.
2. Current commercial carbonated beverages are typically packaged in plastic pressurized containers ranging in size from 16 oz. to 3 liters.
3. The typical failure mode for a pressurized plastic container filled with liquid that has been subjected to extreme temperatures or pressures is a relatively slow plastic deformation of the material, eventually resulting in a small opening (crack, seam, or separation of the closure) in the container which releases the pressure and liquid in a benign manner. This can be compared with metal containers which can fracture or separate suddenly causing sudden material streams or movement of the container.

B. Supporting Arguments

1. The hazard level associated with shipping packages that would result from the proposed change would be essentially equivalent to the hazard levels of current carbonated beverages.
2. All other current regulations regarding consumer commodities including shipment by air would continue to apply, just as they do for pressurized beverages.

Thank you for your time in reviewing this petition; I look forward to your correspondence regarding the processing of this petition.

A handwritten signature in black ink, appearing to read "Tim Yerby". The signature is fluid and cursive, with the first name "Tim" and last name "Yerby" clearly distinguishable.

Tim Yerby
Technical Manager
Aerosol Innovation